

Article - Transportation

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§26–404.

(a) (1) In this section the following words have the meanings indicated.

(2) “Guaranteed arrest bond certificate” means any certificate that is issued under this section by an insurance company or motor club to provide bail bond services to any of its insureds or members.

(3) “Insurance company” means an insurance company that is authorized to write automobile liability insurance in this State.

(4) “Motor club” has the meaning stated in § 26-101 of the Insurance Article.

(5) “Surety company” means any company designated as a surety company under Title 21 of the Insurance Article.

(b) Within the limitations of this section, the following persons may issue a guaranteed arrest bond certificate:

(1) Any insurance company that is also a surety company; or

(2) If acting in conjunction with a surety company, any other insurance company or any motor club.

(c) A guaranteed arrest bond certificate shall:

(1) Specify its expiration date; and

(2) Contain printed statements that:

(i) The issuer and surety company guarantee the court appearance of the person to whom the certificate is issued; and

(ii) If the person fails to appear in court at the time of the trial, it will pay any fine or forfeiture that is imposed on the person and does not exceed \$1,000.

(d) Any surety company may become surety for persons posting guaranteed arrest bond certificates by filing an undertaking to become surety with the Insurance Administration.

(e) (1) A guaranteed arrest bond certificate may not be delivered or issued for delivery in this State unless the form has been filed with and approved by the Insurance Commissioner.

(2) Unless the Insurance Commissioner affirmatively approves or disapproves the form within 30 days after it is filed with him, he is considered to have approved it.

(3) An order of the Insurance Commissioner disapproving the form or withdrawing a previous approval shall state the reasons for the action taken.

(f) A guaranteed arrest bond certificate may not be accepted:

(1) As a part of a surety undertaking or bail bond requirement of more than \$1,000; or

(2) To guarantee the appearance of any person in a court of this State, if the offense charged is:

(i) Driving or attempting to drive while under the influence of alcohol or while impaired by alcohol;

(ii) Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol or while impaired by any controlled dangerous substance; or

(iii) Any felony.

(g) (1) Except as provided in subsection (f) of this section, if the offense allegedly was committed before the expiration date of the certificate, the posting of a guaranteed arrest bond certificate by the person to whom it was issued shall be accepted, instead of cash bail or other bond, to guarantee the appearance in any court in this State, at a time designated by the court, of any person arrested for a violation of:

(i) Any provision of the Maryland Vehicle Law; or

(ii) Any traffic law or ordinance of any political subdivision of this State.

(2) A guaranteed arrest bond certificate posted as bail bond is subject to forfeiture if the person who posted it fails to appear in court at the time of the trial.

(3) The provisions of this section apply to both residents and nonresidents of this State.

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